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Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Statement made by Spain on 8 April 2002 or behalf of the European Union*

1. The recent events have proved to the world, if need be, that international security is indivisible. No State on its own can keep its territory or people safe from the scourge of terrorists, terrorist groups or the menace of their access to weapons of mass destruction. The security and the stability of the international community are being challenged, both globally and regionally, by the risks brought about by the proliferation of weapons of mass destruction and their means of delivery. The terrorist attacks of 11 September have given an even greater sense of urgency to the common efforts required from all States in this regard, and have forced the international community to review the existing international and national regimes and measures to deal with the security of nuclear installations, nuclear material and other radioactive material. On 21 September 2001, the Extraordinary European Council adopted conclusions and a plan of action to give the necessary impetus to the actions of the European Union (EU) to combat terrorism. The EU Foreign Ministers further adopted on 10 December 2001 conclusions on implications of the terrorist threat for the EU non-proliferation, disarmament and arms control policy. In that regard, the EU will soon adopt a list of concrete measures in the fields of multilateral instruments, export control, international cooperation and political dialogue.

2. The EU wishes to underline its commitment to General Assembly resolution 56/24 T, of 29 November 2001, in which we reaffirmed multilateralism as a core principle in the area of disarmament and non-proliferation with a view to maintaining and strengthening universal norms and enlarging their scope.

3. The EU appreciates that the International Atomic Energy Agency (IAEA) had already started to review its activities to counter nuclear terrorist threats well before 11 September. Also as a result of the terrorist attacks in the United States of America, IAEA has reoriented and reinforced its activities relevant to protection against nuclear terrorism. The EU welcomes the decision taken by the IAEA Board of Governors, which paved the way for much greater international cooperation in this field, within the framework of the IAEA Statute.

4. The EU has repeatedly stated that the Treaty on the Non-Proliferation of Nuclear Weapons is and will continue to be the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. We support wholeheartedly and promote the implementation of the objectives laid down in the Treaty and we are committed to the effective implementation of the

* The statement was also made on behalf of the Central and Eastern European countries associated with the European Union (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia) as well as the associated countries (Cyprus, Malta and Turkey). The European Free Trade Association countries members of the European Economic Area (Iceland, Liechtenstein and Norway) also align themselves with this statement.

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decisions and the Resolution of the 1995 Review and Extension Conference and the Final Document, adopted by consensus, by the 2000 Review Conference.

5. In spite of a difficult international environment, the 2000 Review Conference was crowned with success and a Final Document was adopted by consensus. This very important document, which builds on the decisions and Resolution of the 1995 Review and Extension Conference and shows our collective undertaking to pursue negotiations in good faith, contains clear provisions on the way forward in the areas of nuclear non-proliferation, disarmament and the peaceful uses of nuclear energy.

6. The 2000 Final Document also spells out an improved and strengthened review process for the Non-Proliferation Treaty. Now, at the beginning of the preparatory process for the 2005 Review Conference, we are expected to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality. The States parties to the Treaty agreed in the 2000 Final Document that, to that end, the Preparatory Committee at its first and second sessions should consider specific matters of substance related to the implementation of the Treaty, the 1995 decisions and the Resolution on the Middle East, and the outcomes of subsequent Review Conferences, including developments affecting the operation and purpose of the Treaty. The EU stresses the importance of addressing these substantive and procedural issues in a structured and balanced way.

7. As the first Preparatory Committee session in a series of sessions leading up to the next Review Conference in 2005, it is important that the Committee lays a solid initial foundation to the review process. We must take stock of what has been achieved in all these areas during past years, including the implementation of the undertakings of the States parties under the Treaty. In this respect the European Union considers it relevant to present at the current stage some considerations on a few issues relating to the implementation of the Non-Proliferation Treaty.

8. Only four States, disregarding repeated pleas of the international community, remain outside the Treaty. The EU continues to attach special importance to achieving universal adherence to the Non-Proliferation Treaty in order to reinforce the global non-proliferation and disarmament objectives, which are at the core of the Union's policy. We urge Cuba, India, Israel and Pakistan to accede unconditionally to the Non-Proliferation Treaty as non-nuclear-weapon States. While welcoming the signature by Cuba of an additional Protocol with IAEA, we call upon the four States to place their facilities under all safeguards agreements.

9. The EU remains deeply concerned by the situation in South Asia. We continue to call upon India and Pakistan to meet all requirements set out in Security Council resolution 1172 (1998). The EU notes that both countries have declared moratoria on nuclear testing and their willingness to participate in the negotiation of a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. We call upon them to take actively all necessary measures towards fulfilling their stated intention.

10. The EU remains committed to the resolutions on the Middle East adopted by the Security Council and the 1995 Review and Extension Conference and to their full implementation. The establishment of an effectively verifiable Middle East zone free of nuclear weapons, as well as of other weapons of mass destruction, has been a long-cherished goal for the international community. The EU calls upon all States in the region that have not yet done so to accede to the Chemical Weapons Convention and the Biological Weapons Convention as soon as possible. We reaffirm the importance of Israel's accession to the Non-Proliferation Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards. The EU invites the nine States parties in the region which have not yet concluded comprehensive safeguards agreements with IAEA to negotiate such agreements and bring them into force as soon as possible.

11. Compliance with the Non-Proliferation Treaty will always stand as a main priority for the EU. Due to Iraq's refusal to comply with its obligations, IAEA has been unable to provide any assurance pursuant to the mandate entrusted to it by Security Council resolutions for more than three years. The EU deplores this situation and calls for the full implementation of relevant Security Council resolutions, including resolution 1284 (1999). It calls for the re-establishment of an effective disarmament/ongoing monitoring and verification regime in Iraq and hopes that the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and IAEA will be able to resume their work in Iraq as soon as possible.

12. The lack of full implementation of safeguards by the Democratic People's Republic of Korea (DPRK) remains a subject of serious concern for the European Union. Despite its efforts, IAEA has been denied the possibility to fully verify the correctness and completeness of the initial declaration of nuclear material made by the DPRK. We urge the DPRK to cooperate with the Agency and to implement fully its IAEA Safeguards Agreement. These obstacles, and the delays caused by them, are an impediment to the punctual implementation of the KEDO project, to which the EU is making a substantial contribution, both technically and financially. The full and timely implementation of the KEDO Agreement is a cornerstone for regional stability and security.

13. The Non-Proliferation Treaty cannot be understood without article VI and its implementation. Disarmament and non-proliferation are mutually reinforcing. The EU will continue to encourage systematic and progressive efforts to implement article VI of the Non-Proliferation Treaty and paragraphs 3 and 4 (c) of the 1995 decision on "Principles and objectives for nuclear non-proliferation and disarmament", as well as the practical steps agreed in the 2000 Final Document to this end. The EU remains fully committed to the implementation of the Final Document and calls upon all States parties to do so as well.

14. The Comprehensive Nuclear-Test-Ban Treaty counts 165 signatories and 90 ratifications, including all the countries who have subscribed to the present statement, but still the Treaty has not entered into force. While regretting this situation, we call upon all States, especially the three non-signatories and the 10 non-ratifying States whose ratification is required for the Treaty to enter into force, to do so unconditionally and without further delay. Pending the entry into force, we urge all States with nuclear capabilities to abide by a moratorium and refrain from any actions which are contrary to the obligations and provisions of the Treaty. We are actively involved in promoting universal adherence to the Treaty, and we will continue our efforts until the mechanisms established by the Treaty become fully operational.

15. The European Union strongly regrets that the Conference on Disarmament has not been able to unblock negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. We consider that, together with the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty, the immediate commencement of the negotiations on a fissile-material cut-off treaty constitutes the next essential multilateral step in nuclear disarmament and nuclear non-proliferation. Consequently, pending the entry into force of a cut-off treaty, the EU urges all States which have not yet done so to declare a moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices.

16. The international comprehensive safeguards system of IAEA is the fundamental pillar of the global nuclear non-proliferation regime. Its application helps to demonstrate that States are complying with article III of the Treaty. It is therefore essential that all States that have not yet done so conclude safeguards agreements with IAEA, including the Additional Protocols. The EU is also committed to the strengthening of the safeguards system, in order to address successfully the proliferation challenges that lie ahead. The EU strongly supports the decision to adopt a Model Protocol additional to existing Safeguards Agreements. The measures contained in it, once implemented, will lead to a substantial and necessary strengthening of the effectiveness of the IAEA safeguards system. To date, 61 States have concluded Additional Protocols and 24 Protocols are in force. All EU member States have signed Additional Protocols and have either ratified them or are in the process of ratifying. The EU urges all States that have not yet signed and ratified the Additional Protocol to do so without delay.

17. We welcome the ongoing bilateral negotiations between the Russian Federation and the United States of America on strategic nuclear arms reduction. These negotiations constitute a very important step and any disarmament measures agreed should be swiftly embodied in a legally binding instrument with provisions ensuring irreversibility, verification and transparency.

18. For the first time in the non-proliferation process, the issue of non-strategic nuclear weapons was included in a Final Document. We deem it an integral part of the nuclear arms reduction and disarmament process and look forward to the fulfilment of the commitments undertaken by the relevant States during the 2000 Review Conference. We encourage them

swiftly to start negotiations on an effectively verifiable agreement on drastic reductions of these weapons.

19. The EU is convinced that the application of the principle of irreversibility to nuclear disarmament, nuclear and other related arms control and reduction measures contributes to the maintenance and reinforcement of international peace, security and stability.

20. Furthermore, the EU fully endorses the call in the 2000 Final Document for increased transparency by the nuclear-weapon States with regard to nuclear-weapon capabilities and the implementation of agreements pursuant to article VI and, as a voluntary confidence-building measure, to support further progress in disarmament. Regular reporting, in the framework of the strengthened review process, by all States parties will further promote international stability.

21. The EU takes note of the decision by the United States to withdraw from the Anti-Ballistic Missile Treaty and welcomes the ensuing bilateral negotiations with the Russian Federation to create a new strategic framework. We also expect that the above-mentioned negotiations will further promote international stability.

22. The EU recognizes the continuing value for the non-proliferation regime of the existing security assurances as provided through the nuclear-weapon-free-zone protocols and unilateral declarations of the nuclear-weapon States, as noted by the Security Council in resolution 984 (1995) and reaffirmed at the 2000 Review Conference, as confidence-building measures towards non-nuclear-weapon States on the use or threat of use of nuclear weapons.

23. The EU acknowledges the importance of nuclear-weapon-free zones, established on the basis of arrangements freely arrived at among the States of the region concerned. They enhance global and regional peace and security. We welcome and also support the signature and ratification by the nuclear-weapon States of the relevant nuclear-weapon-free-zone Protocols. We look forward to the entry into force of the African Nuclear-Weapon-Free-Zone Treaty at an early date.

24. The EU supports the inalienable right of all parties to the Treaty to develop the research, production and use of nuclear energy, without discrimination and in complete conformity with articles I and II of the Treaty.

25. The above reflects the ideas of the European Union on some substantive issues which will have to be considered under the new arrangement for an improved and strengthened review process. As we are about to engage in a new review cycle, the European Union wishes also to bring forward a number of considerations guiding it during the preparatory process.

26. First, it is important to note the unprecedented nature of this improved review process. According to the 2000 Final Document, the outcome of the first two sessions of the Preparatory Committee will be factually summarized. Therefore, we are not compelled to reach agreement on a negotiated document. We cannot overlook the fact that a Chair's Summary will have to be reported to the next session for further discussion. We are not to shape in haste recommendations to the Review Conference before possible options have been adequately considered. Nevertheless, this is a process and we should facilitate, Mr. Chairman, your task and those of your successors, by approaching our work in a constructive manner and by laying the foundations for possible compromises in the last session of the Preparatory Committee before the 2005 Review Conference.

27. Secondly, we welcome the flexibility in the overall role and structure of the enhanced review process, allowing the Preparatory Committee to organize its sessions as it deems it best and allocate time to address specific relevant issues when needed. While addressing substantive issues, one should not forget one of the more traditional tasks of the Preparatory Committee: the procedural preparations for the 2005 Review Conference.

28. Thirdly, our preparatory work should be a balanced exercise, paying due consideration to all aspects of the implementation of the Treaty: nuclear non-proliferation and disarmament and peaceful uses of nuclear energy.

29. The European Union hopes that this session of the Preparatory Committee will make a positive start with work under the improved and strengthened review process of the Non-Proliferation Treaty. To that end the Preparatory Committee should not devote too much time to its own procedural matters, and its decision-making should continue to be based on consensus.

30. The 1995 decision to extend the Non-Proliferation Treaty indefinitely confirmed the Treaty as the most important international framework for nuclear non-proliferation and nuclear disarmament. The 2000 Review Conference established clear guidelines for the achievement of the objectives of the Treaty. The European Union is fully committed to the improved review process, and stands ready to contribute to making it a valuable new instrument in the fight against the continued danger of the spread of nuclear weapons. We also reiterate to you, Mr. Chairman, the support of the EU for the achievement of the very noble objectives we have all set for ourselves in the Non-Proliferation Treaty and its review process.